

REMARKS

Claims presented for prosecution in this Application are claims 1-20. Claims 1-33 have been rejected over cited prior art. In view of Applicant's remarks below, Applicant respectfully submits that claims 1-20 are now in condition for allowance. Accordingly, Applicant respectfully requests that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

The 35 U.S.C. § 112 First Paragraph Rejection of Claims 12-20

The outstanding Office Action has formally rejected claims 12-20 stating that the specification as originally filed did not contain support for the biasing member of the cylinder retaining mechanism remaining "static".

In response, Applicant notes that previously-worded claim 12 spoke of the "orientation" of the biasing member remaining static, as opposed to the biasing member itself. Regardless, without conceding to the validity of the rejection and in the interests of advancing prosecution, Applicant has amended independent claims 12 and 20 to remove the term in question.

In view of the remarks above, and the amendments to claims 12 and 20, Applicant respectfully requests withdrawal of the outstanding formalistic rejection of claims 12-20.

The 35 U.S.C. § 112 Second Paragraph Rejection of Claims 12-20

The outstanding Office Action has formally rejected claims 12-20 stating that the claims were indefinite as to the biasing member of the cylinder retaining mechanism remaining "static".

Without conceding to the validity of the rejection and in the interests of advancing prosecution, Applicant again notes that claims 12 and 20 have been amended to remove the term in question.

In view of the remarks above, and the amendments to claims 12 and 20, Applicant respectfully requests withdrawal of the outstanding formalistic rejection of claims 12-20.

The 35 U.S.C. § 102(a) Rejection of Claims 1, 3, 4, 6, 8, 10, 12-14 and 18-20 over Mooney

The Examiner has rejected claims 1, 3, 4, 6, 8, 10, 12-14 and 18-20 as being anticipated by Mooney. Applicants traverses this rejection and respectfully assert that Mooney does not disclose at least each and every element of newly amended independent claims 1, 6, 12 and 18.

The outstanding Office Action has relied upon Mooney to anticipate the subject matter of claims 1, 3, 4, 6, 8, 10, 12-14 and 18-20, specifically identifying the "*cavity 45 in the yoke 26*" of Mooney as reading upon Applicant's claimed recitations. Applicant's review of Mooney respectfully argues against any such interpretation.

Mooney's apparatus is directed towards applying a drag on the yoke stud of a firearm for permitting a more controlled pivoting of the firearm cylinder (*see, e.g.,* column 1, lines 5-9; column 2, lines 7-11). The 'cavity 45', however, identified in the outstanding Office Action is not formed in the 'yoke 26' of Mooney, but rather is formed in the 'yoke stud 34' (*see, Figure 4*).

In contrast, independent claims 1 and 6 explicitly recite that "an engaging cavity [is] formed in said yoke".

Applicant respectfully submits that the meaning of the term "yoke" is well established in the art, and that this term would not be utilized in describing the 'yoke stud 34' shown in Mooney's figure 4. Indeed, Mooney itself teaches away from the interpretation contained in the outstanding Office Action by calling out element 26 as

the 'yoke', in conformance with Applicant's use of the term in the present specification and claims.

In addition to reading Mooney's 'yoke stud 34' on Applicant's recitation of a well-known 'yoke' element, Applicant further notes that the outstanding Office Action is silent as to the element of Mooney which is believed to read upon Applicant's "yoke stud", explicitly recited in dependent claims 3 and 8.

Applicants therefore not only contest the Examiner's interpretation that Mooney's 'yoke stud' reads upon Applicant's 'yoke' (recited in claims 1 and 6), but respectfully submits that such an interpretation is not compatible with the recited 'yoke stud' of dependent claims 3 and 8. That is, if Mooney's self-described 'yoke stud 34' is being read upon Applicant's 'yoke', what element of Mooney is being read upon Applicant's 'yoke stud' of claims 3 and 8?

While Applicant understands that the Examiner may give broad interpretation to the structural elements recited in the present claims, Applicant respectfully submits that it is improper to give well-established terms of art different meanings from their known affiliations. This practice is especially unsupportable if by doing so the structure of a dependent claim is left unattributed due to its counterpart in the cited reference already being used to read upon a prior-recited element.

Still further, Applicants have amended claims 1 and 6 to specifically recite that, *"said biasing member interacts with said yoke when said cylinder is in said first position but does not interact with said yoke when said cylinder is in said second position."*

As is evident from a review of Mooney, and even given the interpretation of Mooney as contained in the outstanding Office Action, Mooney's biasing means 40 always interacts with the cavity 45, even when Mooney's cylinder is in its open (second) position.

Independent claims 12 and 18 also recite that, *"said biasing member interacts with said yoke when said cylinder is in said first position but does not interact with said yoke when said cylinder is in said second position."*

As Mooney does not disclose each and every element of, at least, independent claims 1, 6, 12 and 18 in their recited configurations, Applicant therefore respectfully requests that the Examiner withdraw the existing rejection of claims 1, 3, 4, 6, 8, 10, 12-14 and 18-20.

Applicant earnestly believes that independent claims 1, 6, 12 and 18, as well as the associated dependent claims, clearly define over Mooney, however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues.

The 35 U.S.C. § 103(a) Rejection of Claims 1-20 over the Admitted Prior Art in view of Mooney or Wesson

The Examiner has rejected claims 1-20 as being obvious over the Admitted Prior Art in view of either Mooney or Wesson. Applicant traverses this rejection and respectfully asserts that the Admitted Prior Art in view of either Mooney or Wesson does not teach or render obvious, either alone or in combination, at least each and every element of independent claims 1, 6, 12 and 18.

With respect to the Examiner's specific rationale for the rejection of claims 1-20, the outstanding Office Action indicates that *"[b]oth Mooney and Wesson teach that, in a gun with a pivoting cylinder, it is known to dispose a biased member on the frame and to have an interacting cavity on the yoke"*. The outstanding Office Action further characterizes Mooney's 'cavity 45' formed in 'yoke' 26; and Wesson's Figure 1 and slide k.

As discussed above, and in connection with the well-understood meaning of the terms, Applicant respectfully asserts that Mooney's cavity 45 is not formed in Mooney's yoke 26, instead being formed in Mooney's 'yoke stud 34'. Reading

Mooney's 'yoke stud' on Applicant's 'yoke' is not only against the well-understood meaning of the term, but also leaves unattributed Applicant's 'yoke stud' of as recited in dependent claims.

With particular reference to Wesson, Applicant respectfully cannot identify any 'cavity' formed in Wesson's 'yoke d'.

As amended, claims 1 and 6 to specifically recite that, "*said biasing member interacts with said yoke when said cylinder is in said first position but does not interact with said yoke when said cylinder is in said second position.*"

As is evident from a review of Mooney, and even given the interpretation of Mooney as contained in the outstanding Office Action, Mooney's biasing means 40 always interacts with the cavity 45, even when Mooney's cylinder is in its open (second) position. Neither the cited prior art nor Wesson cures this deficiency.

Independent claims 12 and 18 also recite that, "*said biasing member interacts with said yoke when said cylinder is in said first position but does not interact with said yoke when said cylinder is in said second position.*"

With particular respect to the Examiner's citation of Mooney, lines 47-67, Applicants respectfully assert that this passage does not suggest the 'mere substitutions of locations' for the recited biasing member and cavity. Indeed, a review of Mooney (lines 62-67, in connection with lines 89-95 and Figure 3) indicates that what is being discussed in *an alternative positioning of the locking bolt*, stating that instead of disposing the locking bolt (f) "axially of the pivot pin" (that is, in a bore formed in Wesson's pin e; see, lines 76-78), the locking bolt (f) may instead "if desired, pass around the cylinder at some other point" (lines 65-67).

As the Admitted prior Art does not disclose each and every element of, at least, independent claims 1, 6, 12 and 18 in their recited configurations, and neither Mooney nor Wesson adding any pertinent disclosure in this regard, Applicant therefore respectfully requests that the Examiner withdraw the existing rejection of claims 1-20.

Applicant earnestly believes that independent claims 1, 6, 12 and 18, as well as the associated dependent claims, clearly define over the Admitted Prior Art, Mooney and Wesson, however should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues.

CONCLUSION

In view of the remarks above, it is respectfully submitted that claims 1-20 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview while the outstanding issues are fresh in the mind of the Examiner.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By 

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